REMARKS

This responds to the Office Action mailed on May 16, 2007.

Claims 1, 13, 20, 28 and 40 are amended, no claims are canceled or added; as a result, claims 1-46 remain pending in this application. Support for the amendments may be found throughout the specification, and in particular on page 14, lines 10-20 and on page 18, line 26 to page 22, line 26. Applicant respectfully submits that no new matter has been introduced with the amendments.

Interview Summary

Applicant thanks Examiner **Javed Iqbal**, as well as Supervisory Examiner **George Nguyen**, for the courtesy of a personal interview on **July 26, 2007** with Applicant's representatives **Rodney L. Lacy and Michael Blankstein.**

Applicant's representative presented new proposed amendments and discussed how the claimed invention distinguishes over Okada et al. (U.S. Publication No. 2002/0155891 A1). No agreement regarding the status of the claims was reached during the interview. The Examiner indicated that further consideration would be required regarding the subject matter in the proposed amendments.

Specification Objections

The disclosure was objected to due to informalities regarding reference numbers "32 and "16" on page 6 and page 7 respectively. The specification has been amended as suggested in the Office Action. Applicant respectfully requests removal of the objection to the specification.

Claim Objections

Claim 1 was objected to due to informalities. Claim 1 has been amended as suggested in the Office Action, Applicant respectfully requests removal of the objection to claim 1.

§102 Rejection of the Claims

Claims 1, 7-10, 13, 17, 20, 24-25, 28, 34-37, 40 and 44 were rejected under 35 U.S.C. § 102(a) for anticipation by Okada et al (U.S. Publication No. 2002/0155891 A1). Anticipation

requires the disclosure in a single prior art reference of each element of the claim under consideration. *In re Dillon* 919 F.2d 688, 16 USPQ 2d 1897, 1908 (Fed. Cir. 1990) (en banc), cert. denied, 500 U.S. 904 (1991). It is not enough, however, that the prior art reference discloses all the claimed elements in isolation. Rather, "[a]nticipation requires the presence in a single prior reference disclosure of each and every element of the claimed invention, *arranged as in the claim*." *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added). Applicant respectfully submits that a *prima facie* case of anticipation does not exist because the claims as amended contain numerous elements not found in Okada.

For example, claim 1 as amended recites "sending service information for the progressive service from the progressive service to a discovery agent on the gaming network..." Applicant has reviewed Okada and can find no teaching of a progressive service. The Office Action correctly states that Okada teaches an advertising service. However, the Office Action goes on to cite paragraphs 12 and 13 for the proposition that the service provided in Okada could be any service. Applicant respectfully disagrees with this interpretation of Okada. It is clear from the cited section and from Okada as a whole that Okada is referring to advertising as providing images and sound that advertise a product or service to an end user of a gaming terminal. In other words, the "service" referred to in paragraphs 12 and 13 is a service that could be provided to an end user (e.g. a wagering game player) on a gaming machine. Okada does not teach or suggest publishing the availability of a progressive service to gaming machines on a gaming network.

Additionally, Applicant has reviewed Okada and can find no teaching of a discovery agent on a gaming network. Further, Applicant can find no teaching in Okada of sending service information for a progressive service to a discovery agent.

Claim 1 further recites that the discovery agent determines "if the progressive service is authentic and authorized." Applicant has reviewed Okada and can find no teaching of authenticating and authorization of a service on a gaming network. Okada does refer to authentication at paragraphs 83-85, however this authentication deals with authenticating customers to determine if the customer is authorized to play a game, or authenticating a terminal

to determine if the terminal is associated with an advertiser to determine if the advertiser is authorized to access and advertisement server. Okada does not teach authenticating a progressive service to determine if the service is authentic and authorized to provide a progressive service on a gaming network.

Claim 1 further recites that the discovery agent receives "a request for the location of the progressive service from the gaming machine." Okada does not teach a discovery agent, nor does Okada teach any entity that receives and processes a request for the location of a progressive service.

In view of the above, Okada fails to disclose numerous elements of claim 1 as amended. Therefore Okada does not anticipate claim 1. Applicant respectfully requests reconsideration and the withdrawal of the rejection of claim 1.

Independent claims 13, 20, 28 and 40 as amended recite limitations similar to those discussed above with respect to claim 1. Applicant respectfully submits that claims 13, 20, 28 and 40 are not anticipated for the same reasons as discussed above with respect to claim 1. Applicant respectfully requests reconsideration and the withdrawal of the rejection of claims 13, 20, 28 and 40.

Claims 7-10 depend either directly or indirectly from claim 1; claim 17 depends from claim 13; claims 24-25 depend either directly or indirectly from claim 20; claims 34-37 depend either directly or indirectly from claim 28 and claim 44 depends from claim 40. These dependent claims inherit the elements of the respective base claims, including those elements discussed above regarding claim 1. Therefore claims 7-10, 17, 24-25, 34-37 and 44 are not anticipated for at least the reasons discussed above regarding their respective base claims. Applicant respectfully requests reconsideration and the withdrawal of the rejection of claims 7-10, 17, 24-25, 34-37 and 44.

§103 Rejection of the Claims

Claims 2-4, 14-15, 21, 29-31 and 41-42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Okada et al. as applied to claims 1, 13, 20, 28 and 40 in view of Carrer et al. (U.S. 7,185,342). In order for a *prima facie* case of obviousness to exist, three base criteria must be met. First, there must be some suggestion or motivation, either in the references themselves

or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *M.P.E.P.* § 2142 (citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir. 1991)). Applicant respectfully submits that the combination of Okada and Carrer fails to teach or suggest each and every element of claims 2-4, 14-15, 21, 29-31 and 41-42.

Claims 2-4 depend from claim 1, claims 14-15 depend from claim 13, claim 21 depends from claim 20, claims 29-31 depend from claim 28 and claims 41-42 depend from claim 40. Each of these claims therefore includes the elements of their respective base claims, including elements such as a discovery agent that authenticates and authorizes a progressive service on a gaming network. As discussed above, Okada does not teach or suggest a discovery agent, nor does Okada teach a discovery agent or any other entity that authenticates and authorizes a progressive service on a gaming network. Further, Applicant has reviewed Carrer and can find no teaching or suggestion of a discovery agent, nor does Carrer teach a discovery agent or any other entity that authenticates and authorizes a progressive service on a gaming network. As a result, neither Okada nor Carrer, alone or in combination, teach or suggest each and every element of Applicant's claims 2-4, 14-15, 21, 29-31 and 41-42. Thus claims 2-4, 14-15, 21, 29-31 and 41-42 are not obvious in view of the combination of Okada and Carrer. Applicant respectfully requests reconsideration and the withdrawal of the rejection of claims 2-4, 14-15, 21, 29-31 and 41-42.

Claims 5-6, 11-12, 16, 18-19, 22-23, 26-27, 32-33, 38-39, 43 and 45-46 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Okada et al. as applied to claims 1, 13, 20, 28 and 40 in view of Beatty (U.S. 6,939,234). Applicant respectfully submits that the combination of Okada and Beatty fails to teach or suggest each and every element of claims 5-6, 11-12, 16, 18-19, 22-23, 26-27, 32-33, 38-39, 43 and 45-46.

Claims 5-7 and 11-12 depend from claim 1; claims 16 and 18-19 depend from claim 13; claims 2-23 and 26-27 depend from claim 20; claims 32-33 and 38-39 depend from claim 28; claims 43 and 45-46 depend from claim 40. Each of these claims therefore includes the elements

of their respective base claims, including elements such as a discovery agent that authenticates and authorizes a progressive service on a gaming network. As discussed above, Okada does not teach or suggest a discovery agent, nor does Okada teach a discovery agent or any other entity that authenticates and authorizes a progressive service on a gaming network. Further, Applicant has reviewed Beatty and can find no teaching or suggestion of a discovery agent, nor does Beatty teach a discovery agent or any other entity that authenticates and authorizes a progressive service on a gaming network. As a result, neither Okada nor Beatty, alone or in combination, teach or suggest each and every element of Applicant's claims 5-6, 11-12, 16, 18-19, 22-23, 26-27, 32-33, 38-39, 43 and 45-46. Thus these claims are not obvious in view of the combination of Okada and Beatty. Applicant respectfully requests reconsideration and the withdrawal of the rejection of claims 5-6, 11-12, 16, 18-19, 22-23, 26-27, 32-33, 38-39, 43 and 45-46.

RESERVATION OF RIGHTS

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at (612) 373-6954 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

CHRISTOPHER W. BLACKBURN ET AL.

By their Representatives,

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Date August 16, 2007 By /Rodney L. Lacy/
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 16th day of August 2007.

Rodney L. Lacy /Rodney L. Lacy/

Name Signature